

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Major Fortson,

Appellant,

v.

Benico H. Gonzales,

Fanny A. Gonzales,

Appellees.

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C/A No. 8:12-404-TMC

OPINION & ORDER

Appellant, Major Fortson ("Appellant"), proceeding *pro se*, filed an appeal from the United States Bankruptcy Court (Dkt. # 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. On October 5, 2012, Magistrate Judge Kevin F. McDonald issued a Report and Recommendation ("Report") recommending that the Appellant's motion for judgment (Dkt. # 17) be denied and that the appeal be dismissed. (Dkt. # 28). The Magistrate Judge provided Appellant a notice advising him of his right to file objections to the Report. (Dkt. # 28-1). Appellant filed objections to the Magistrate Judge's Report on October 17, 2012. (Dkt. # 32).

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. *Id.* However, the court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations."

Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge recommended that the Appellant's motion for judgment be denied and that the appeal be dismissed as baseless. As noted above, Appellant filed objections to the Report which the Court has carefully reviewed. However, the Appellant's objections provide no basis for this court to deviate from the Magistrate Judge's recommended disposition. The objections are non-specific, unrelated to the dispositive portions of the Report or merely restate Appellant's claims.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court finds Appellant's objections are without merit. Accordingly, the court adopts the Report and incorporates it herein. It is therefore **ORDERED** that the motion for judgment (Dkt. # 17) is **DENIED**, and the appeal is **DISMISSED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina

October 23, 2012

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.